

<b>Age: 96</b>	<b>PUBLIC GUARDIAN</b> , Conservator of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 9-4-13. The following issue remains:</u>  1. Need schedule and information re Conservatee's property in Texas per Probate Code §§ 2401.1 and 1063(h).
	Account period: 6-18-11 through 6-17-13	
<b>Cont from 090413</b>	Accounting: \$117,023.54	
<b>Aff.Sub.Wit.</b>	Beginning POH: \$73,881.95	
✓ <b>Verified</b>	Ending POH: \$3,927.13 (\$1,427.13 cash)	
<b>Inventory</b>	Conservator: \$1,850.56	
<b>PTC</b>	(6.61 Deputy hours @ \$96/hr and 16 Staff hours @ \$76/hr)	
<b>Not.Cred.</b>	Attorney: \$1,250.00 (less than local rule)	
✓ <b>Notice of Hrg</b>	Bond fee: \$88.94 (ok)	
✓ <b>Aff.Mail</b>	<b>Petitioner prays for an order:</b>	
<b>Aff.Pub.</b>	1. Approving, allowing and settling the 2 <sup>nd</sup> Account;	
<b>Sp.Ntc.</b>	2. Authorizing the conservator and attorney fees and commissions;	
<b>Pers.Serv.</b>	3. Authorizing payment of the bond fee; and	
<b>Conf. Screen</b>	4. Any other orders the Court considers proper.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
✓ <b>Order</b>		<b>Reviewed by:</b> skc
<b>Aff. Posting</b>		<b>Reviewed on:</b> 10-2-13
<b>Status Rpt</b>		<b>Updates:</b>
<b>UCCJEA</b>		<b>Recommendation:</b>
<b>Citation</b>		<b>File 1 – Wooten</b>
<b>FTB Notice</b>		

**2 Taylor Lynn and Byron Michael Cheek (GUARD/P) Case No. 08CEPR00940****Atty Cheek, Tania (pro per – mother)****Atty Mathes, Karen L. (for Terry & Linda Cheek – paternal grandparents/guardians)****Status Hearing Re: Visitation**

<b>Taylor, 11</b>	<b>TERRY CHEEK and LINDA CHEEK</b> , paternal grandparents, were appointed as guardians on 12/01/08.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order from last status hearing re: visitation states:</b> The Court is advised that Tania Cheek is currently in the Rescue the Children program. Parties are advised that the Court is not going to order any visitation that will be contrary to the children's activities. Tania Cheek is ordered to cooperate in a visitation evaluation with Dr. Bernstein. The Court authorizes Tania Cheek to be placed on the school contact list. Counsel is directed to prepare the order. Parties agree to participate in mediation today at 1:30pm regarding visitation. Parties understand that the purpose of today's mediation is to agree on a visitation schedule that will be in place while Tania Cheek is in the Rescue the Children program.
<b>Byron, 8</b>		
	<b>TANIA CHEEK</b> , mother, filed a petition for termination of the guardianship, which was denied on 07/24/13.	
<b>Cont. from</b>	<b>At hearing on 7-24-13</b> , the Court referred the case to CPS to check on who is living in the home with the child and its safety. DSS Social Worker Keith Hodge was present in Court. Mr. Hodge was asked to submit a report to the Court and to the other parties. The Court ordered a marginal increase in visitation between the mother and the children and set this status hearing.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	<b>DSS Social Worker Keith Hodge filed a report on 8-27-13.</b>	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 10/02/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 2 - Cheek</b>

Atty Knapp, Bonnie J.; Kimball, Patrick K., of Glendale (for Petitioner Eric Schloen, Special Administrator)

**Petition for Termination of Further Proceedings and Discharge of the Personal Representative [Prob. C. 12251; Gov. C. 70657(a)(1)]**

<b>DOD: 11/5/2012</b>		<p><b>ERIC SCHLOEN</b>, Special Administrator appointed without bond on //, is Petitioner. <i>Letters</i> expired 11/4/08. <i>Letters</i> will expire on <b>3/29/2015</b>.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>Petitioner, as agent of <b>COMMUNITY REGIONAL MEDICAL CENTER</b>, the hospital at which the Decedent died, was appointed Special Administrator for the limited purpose of obtaining Medi-Cal benefits for the decedent to settle medical bills incurred by decedent prior to his death;</li> <li>Petitioner has diligently searched for all assets of the Decedent, but has not been able to discover any property of any kind belonging to the Decedent that would otherwise be subject to administration, and at all times prior to filing until the present time, this estate has been <b>insolvent</b> <i>[emphasis in original]</i>;</li> <li>Consistent with Probate Code § 9202, Petitioner has given written notice to the CA Dept. of Health Care Services Estate Recovery Division, as well as the Franchise Tax Board's Probate Unit (<i>copy of notice and response from each attached</i>);</li> <li>Petitioner has concluded the reason and purpose of this estate, and there is no longer any need for the continued administration of the estate; Medi-Cal eligibility has been established (<i>copy of proofs of eligibility attached</i>).</li> </ul> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Terminating further proceedings for the administration of the estate; and</li> <li>Discharging Petitioner as the personal representative of the estate.</li> </ol>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> 050713		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 10/1/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 3 - Reagan</b></p>	



Page 2

**Petitioner:**

1. The witnesses of the will did not date their signatures. The Court may require proof of subscribing witness pursuant to Probate Code §8220.
2. The Court may require clarification regarding the estimated value of the estate.
3. Letters are not signed.

**Objector:**

1. Objector requests appointment of the Public Administrator; however, there is no proof of service of objection or notice of hearing served on the Public Administrator or County Counsel.

**Note:** If the petition is granted, status hearings will be set as follows:

- **Friday, October 11, 2013** at 9:00 a.m. in Department 303, for the filing of the bond.
- **Friday, February 14, 2014** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Friday, November 14, 2014** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Atty Flanigan, Philip M. (for Alison Rylee – daughter/Petitioner)

Atty Krbechek, Randolph (for James Rylee – son/Objector)

## Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 07/01/13</b>		<b>ALISON RYLEE</b> , daughter/named Executor with bond set in the amount of \$210,000.00, is Petitioner.  Full IAEA – <b>NEED</b>  Will dated 04/07/03  Residence: Fresno Publication: <b>NEED</b>  <u><b>Estimated Value of the Estate:</b></u> Personal property - \$100,000.00 Real property - 110,000.00 <b>Total - \$210,000.00</b>  Probate Referee: <b>STEVEN DEIBERT</b>  <b>Objections to Probate of Will</b> filed 08/28/13 by James M. Rylee, son, states: Probate of the Decedent's will should be denied on the following grounds: (a) Respondent has not submitted nor are there any allegations that an original or "duplicate original" of the will presently exists. (b) Pursuant to Probate Code § 6124, there is a presumption that the testator destroyed the will with the intent to revoke it. This presumption affects the burden of producing evidence.  Respondent should not be appointed as Administrator with Will Annexed on the ground that, if the will is not admitted, respondent cannot serve as Administrator with Will annexed, but must proceed under the laws of intestate succession. Contestant prays: 1. That the document be denied probate; 2. That Respondent Alison Rylee not be appointed as administrator with will annexed; and 3. For attorney's fees and costs of suit incurred herein.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 09/11/13</b></u> <b>Minute Order from 09/11/13 states: Mr. Krbechek withdraws his objections. Mr. Flanigan requests a continuance.</b>  1. Need Publication.
<b>Cont. from 091113</b>			
✓	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> w/		
	<b>Aff.Pub.</b> x		
	<b>Sp.Ntc.</b>	Reviewed by: JF Reviewed on: 10/02/13 Updates: Recommendation: <b>File 5 - Rylee</b>	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

Atty Aguirre, L. Kim (Attorney for Mark Carlson Lee – Conservatee)

Atty Kruthers, Heather H. (for Public Guardian – Conservator)

Status Hearing Re: Accounting from Mr. Aguirre

<b>Age: 63</b>	<b>PUBLIC GUARDIAN</b> is Conservator of the Person and Estate.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>Minute Order 9-4-13 (Judge Cardoz):</u></b> <b>No appearances. The Court orders Kim Aguirre and Heather Kruthers to be personally present on 10/09/13. The Court directs that a copy of the minute order be sent to both counsels. Continued to 10/9/13.</b>  <b><u>Examiner Notes previously noted:</u></b>  1. On 7-31-12, the Court authorized payment of \$7,000.00 to L. Kim Aguirre, attorney for the Conservatee, for use in securing appropriate housing and transportation and ordered the funds placed in an appropriate account to be used for that limited purpose. On 11-8-12, an ex parte petition was filed that stated the Conservatee found an apartment and was required to pay "several thousand dollars" for first and last months' rent and deposit, and additional funds were needed. The Court authorized an additional \$2,000.00 on 11-9-12.  Petitioner's disbursements schedule reflects the funds paid to Mr. Aguirre, but does not provide a breakdown of how those funds were used. Further, the disbursements schedule includes housing and transportation costs during this time frame that appear to have been arranged and paid for by the Public Guardian as Conservator, outside of the \$9,000.00 paid to Mr. Aguirre. See also the extensive itemization of time spent by the Conservator on these matters.  Need clarification regarding the \$9,000.00 paid to Mr. Aguirre.  <b><u>See Page 2</u></b>
	Public Guardian's First Account was settled on 7-31-13.	
<b>Cont from 090413</b>	On 7-31-13, pursuant to Examiner Notes, the Court set this status hearing for accounting of \$9,000.00 authorized to Attorney L. Kim Aguirre.	
<b>Aff.Sub.Wit.</b>	<b>Mr. Aguirre filed an "Accounting of Funds Advanced to L. Kim Aguirre to Secure Living Arrangement for M. Carlson Lee" on 8-21-13.</b>  Mr. Aguirre states funds received and expended is as follows:  Payment to apartment (First, Last, Deposit): \$5,190.00  Payment to Establish Visa Card for Misc. Expenses: \$1,000.00  Diana Martinez (assist in securing facility, move, etc., per Exhibit A): \$1,062.50  Laura Depfyffer (Assistant to L. Kim Aguirre), coordinating contact with M. Carlson Lee; Harper, Martinez @ \$20/hr per Exhibit B: \$1,036.00  Mr. Aguirre continues to hold the remaining \$711.50 fbo Mr. Lee. No billing by Ms. Depfyffer since 10-15-12. It is believed that once she compiles that billing the amount due will exceed the \$711.50.	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 10-2-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6 – Lee</b>

**Page 2**

1. The Court may require clarification as to the \$1,036.00 for Billing for Services provided by Laura dePfyffer, who is Mr. Aguirre's assistant.

Examiner Notes that attorneys' secretarial services are considered costs of doing business and not reimbursable per local rules. Here, all line items appear to be office telephone conversations with the client. Were the funds allotted for Mr. Lee's used to pay the attorney's assistant an hourly rate on top of her salary, or in lieu of, or in addition to? Attorney fees are subject to applicable petition and notice requirements according to the Probate Code and Cal. Rules of Court, but these services appear to fall under our local rule re cost of doing business.

2. The Court may require clarification as to who Diana Martinez is, and her qualifications to provide moving services.

Pro Per Boos, Amanda (Pro Per Petitioner, mother)

## Petition for Visitation

Age: 4 years		<p><b>AMANDA BOOS</b>, mother, is Petitioner.</p> <p><b>KATRINA BOOS</b> and <b>ANDREW BOOS</b>, maternal grandparents, were appointed Guardians on 9/20/2011, and Letters issued on 10/3/2011.</p> <p>Father: <b>MICHAEL STARK</b></p> <p>Paternal grandfather: Anthony Stark Paternal grandmother: Deceased</p> <p><b>Petitioner states</b> she would like to request visitation with the child for the following days:</p> <ul style="list-style-type: none"> <li>• Every Tuesday from 2:00 p.m. to 6:00 p.m.;</li> <li>• Every Saturday from 11:00 a.m. to 6:00 p.m.;</li> <li>• Phone calls from Monday to Sunday, one call per day.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Minute Order dated 9/20/2011 from the hearing on the petition for appointment of guardian states in pertinent part that visitation is to be determined by the Guardians.</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of mailed service of the Notice of Hearing with a copy of the petition pursuant to Probate Code §§ 1460 and 1511 for the following persons: <ul style="list-style-type: none"> <li>• Katrina Boos, Guardian;</li> <li>• Andrew Boos, Guardian;</li> <li>• Michael Stark, Father;</li> <li>• Anthony Stark, Paternal grandfather.</li> </ul> </li> </ol>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 10/1/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 - Stark</b></p>		

**Status Hearing Re: Filing of the First Account or Petition for Final Distribution**

<b>DOD: 5/12/2010</b>		<b>RICK GONZALEZ</b> was appointed as Administrator without bond and with <b>Limited</b> IAEA authority on 4/22/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Letters issued on 4/26/2013.	<p><b>Continued from 8/21/13. Minute order states examiner notes are provided to petitioner. With respect to the existing loan and the back taxes owed, the Court is requesting the cooperation of Fresno County and any lender so the Petitioner can assume or otherwise provide for payment and/or refinancing of the property located on 1962 Skelton St. The Court requests that the Public Administrator be present at the next hearing.</b></p> <p><b>As of 10/2/13 the first account or petition for final distribution has not been filed.</b></p> <p><b>Note:</b> It appears from the status report that the Administrator may be under the impression that the he is waiting for action from the Probate Court.</p> <p>However, the Administrator is responsible for filing a petition for final distribution with an appropriate plan for closing the estate in accordance with applicable law.</p> <p>The Administrator is encouraged to research his options for proceeding, and may wish to obtain legal assistance to prepare the final petition.</p> <p><b>Note:</b> The three intestate heirs of the estate are the Administrator, Rick Gonzalez, and his two brothers, Louis Edward Gonzalez and John Augustine Miranda.</p>
<b>Cont. from 071713, 08213</b>		I & A filed on 10/2/2012 show the estate valued at \$130,400.00, consisting of real property (encumbered) and minimal personal property.	
<b>Aff.Sub.Wit.</b>		<p>This status hearing was set for the filing of the first account or petition for final distribution.</p> <p><b>Status Report filed 8-16-13 states:</b>  As of 8-14-13, the Administrator went to a committee meeting with the County of Fresno to discuss the matter of the loan for the rebuilding of the property on 1962 Skelton Street that was completed in 2000. The loan was for \$79,900.00. He was allowed more time to see what probate was going to do. There are also back taxes of approx. \$9,000, plus interest, and a debt of \$299.20 owed to Asset Acceptance. He is awaiting a call to arrange payments. The bill of the probate referee is paid. The Administrator states he and the county are awaiting final distribution of the estate to make the needed changes and be able to transfer the loan and pay off all debts. There is another meeting with the county to update them on 9-11-13. If final distribution is granted before then, we can move on to the next step of taking over the loan. It is needed to be in someone else's name because his mother is deceased.</p>	
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 10/2/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 – Borunda</b></p>	
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Athena 2		<b><u>NO TEMPORARY REQUESTED</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Nathaniel 1			
		<b>RITA SALINAS</b> , maternal grandmother, is petitioner.	<b>Minute order of 09/04/2013: Examiner notes are provided to Petitioner. The petitioner is directed to cure the defects listed in the notes.</b>
		Father of Athena: <b>DOMINIQUE BUSTAMANTE</b>	<b>The following issues still remain:</b>
Cont. from 090413		Father of Nathaniel: <b>DANIEL OCHOA</b> , Declaration of Due Diligence filed 07/02/2013	1. Need Notice of Hearing.
Aff.Sub.Wit.		Mother: <b>RACHEL RENEE SALINAS</b>	2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
✓ Verified		Paternal Grandparents of Athena: Not Listed	<ul style="list-style-type: none"> <li>• Dominique Bustamante (father of Athena)</li> <li>• Daniel Ochoa (father of Nathaniel) – Unless the Court dispenses with notice.</li> </ul>
Inventory		Paternal Grandparents of Nathaniel: Unknown	Note: Declaration of Due Diligence filed 07/02/2013 does not provide any information regarding efforts to locate Daniel Ochoa.
PTC		Maternal Grandfather: Abel Salinas	<ul style="list-style-type: none"> <li>• Rachel Renee Salinas (Mother)</li> </ul>
Not.Cred.		<b>Petitioner states:</b> mother, Rachel Salinas, is unfit and is on drugs, does not have a steady home for the children, and she is currently out on bail.	3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
Notice of Hrg	x	<b>Court Investigator Jennifer Daniel's report filed 08/28/2013.</b>	<ul style="list-style-type: none"> <li>• Paternal Grandparents of Athena (Not Listed)</li> <li>• Paternal Grandparents of Nathaniel (Unknown)</li> <li>• Abel Salinas (Maternal Grandfather)</li> </ul>
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
Order			
Aff. Posting			<b>Reviewed by:</b> LV
Status Rpt			<b>Reviewed on:</b> 10/02/2013
✓ UCCJEA			<b>Updates:</b>
Citation			<b>Recommendation:</b>
FTB Notice			<b>File 9 – Bustamante &amp; Ochoa</b>

Atty Duran, Robert and Martha (pro per – maternal grandparents/Petitioners)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Richard, age 8	<b><u>TEMPORARY EXPIRES 10/09/13</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Emilie, age 3	<b>ROBERT and MARTHA DURAN</b> , Maternal Grandparents, are Petitioners.	
Khloe, age 5 months	Father (Richard and Emilie): <b>RICHARD BRAMBILA, Jr.</b> - Personally served 8-18-13	<div> <div>Reviewed by: JF</div> <div>Reviewed on: 10/02/13</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 10 – Brambila, Duran &amp; Almeana</div> </div>
Cont. from	Father (Khloe): <b>JESUS ALMANZA</b> - Court dispensed with notice on 08/21/13	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: <b>LUPE JANE DURAN</b> - Personally served 8-6-13; objected at hearing on 08/21/13	
<input checked="" type="checkbox"/> Verified	Paternal Grandfather (Richard and Emilie): Richard Brambila, Sr. - Personally served 8-15-13	
<input type="checkbox"/> Inventory	Paternal Grandmother (Richard and Emilie): Cecilia Brambila - Personally served 8-15-13	
<input type="checkbox"/> PTC	Paternal Grandfather (Khloe): Mr. Almanza Paternal Grandmother (Khloe): Mrs. Almanza – both served by mail on 08/19/13	
<input type="checkbox"/> Not.Cred.	<b>Petitioners state</b> the mother is homeless and a drug user and is currently staying in a hotel with a convicted felon who has a history of drug abuse and violence. The children have always resided with Petitioners until their mother removed them from their home on 7-25-13. The hotel where the mother stays is known for prostitution and the boyfriend is wanted by the police and has beat the mother in front of the children. The police were called. The known residence where they are staying is not a safe environment for the children especially when both adults are under the influence of narcotics. Prior to July 25, the only home the children have known is with Petitioners.	
<input checked="" type="checkbox"/> Notice of Hrg	Continued on Page 2	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

**Lupe Duran, Mother, filed an Objection on 8-20-13.** Mother objects on the basis of insufficient and inaccurate facts given by Petitioners. Mother states she had been living with her parents for 7 months prior to this incident because she needed help to maintain her employment and save for another house in an affordable price range. Arguments arose due to her work schedule. Both she and her mother work late night hours and the children were left in the care of her father, Petitioner Robert Duran. However, he suffers from sleep apnea and was unable to care for the kids. They would be up by themselves because he would fall asleep. Mother states she had to stop working because her 8-year-old son was left to care for his little sister and she could not let that happen. During their tenancy with her parents, she has been attacked by her mother on more than one occasion while children present. She was called a "bitch" and they were kicked out several times. It became a nuisance to stay with Petitioners as they accused her of being on drugs. Mother states she had a new baby in May 2013 and was given pain medication from the C-section delivery. She has never misused the medication or neglected her children. She loves them very much and her only intentions were to get away from two abusive relationships: 1) the father of the baby, and 2) her mother, Petitioner Martha Duran.

Mother states she fears that leaving the kids with her parents they will be subjected to false information regarding her situation. Mother states Richard gets stomach pains from nervousness and the two girls are used to her care. She is worried that they feel confused and abandoned. Mother states she has made every attempt to find shelter, gain help from Marjaree Mason Center, counseling, and has obtained a part time job. She will continue to follow on a path of faith, counseling, and parenting.

Mother provides letters in support from a friend, a case manager at New Outlook Family Transitional Housing, and a statement indicating assistance of homeless assistance from Fresno County.

**Petitioner Martha Duran filed a declaration on 8-20-13 that states** it is brought to their attention that the mother is currently residing with a family friend, Christina Castillio. Petitioner states Ms. Castillio lives in a 2 bedroom home with multiple families and has a child with special needs. The mother previously attempted to defraud welfare and taxes by saying that she cared for that child. Petitioner states they are bringing this information because they believe the mother and Ms. Castillio will be once again trying to use the same information to assure she is being productive and getting her life straight. Petitioners are aware that the mother is still using narcotics and will try to remove the children to this residence.

Petitioner states all three of the children have resided with Petitioners since birth. They are concerned that Richard will not go to school and that Emilie will not receive dental care if they are with the mother. The baby has not had any vaccinations. They are scheduled for 8/22. Without treatment for her addiction, the children will not be cared for or given the basic necessities. Their main concern is the well-being of the children.

**Court Investigator Jennifer Daniel filed a report on 10/02/13.**

## Uziel Orozco (GUARD/P)

Atty Zamorano, Irma (pro per – maternal grandmother/Petitioner)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Vaspi, 14	<b><u>TEMPORARY EXPIRES 10/09/13</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Naason, 12	IRMA ZAMORANO, Maternal Grandmother, is Petitioner.		
Uziel, 11	Father: <b>SAMUEL OROZCO</b> - - <i>Consents and waives notice; Personally served 08/16/13</i>		<b>Petitioner is Spanish speaking.</b>  1. Declaration of Due Diligence filed 08/12/13 states that paternal grandfather, Samuel Orozco's whereabouts are unknown. If diligence is not found, need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice for: - Samuel Orozco (paternal grandfather)  2. Need CI report and clearances – CI to provide.
Cont. from	Mother: <b>IRMA M. ZAMBRANO</b> - <i>Consents and waives notice; Personally served 08/16/13</i>		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Paternal Grandfather: Samuel Orozco – <i>Declaration of Due Diligence filed 08/12/13</i>		
<input checked="" type="checkbox"/> Aff.Mail	w/	Paternal Grandmother: Jacova Torres – <i>Served by mail on 08/16/13</i>	
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	Maternal Grandfather: Mario Zambrano – <i>Consent &amp; Waiver of Notice filed 08/19/13</i>		
<input checked="" type="checkbox"/> Conf. Screen	<b>Petitioner states</b> the father's live-in girlfriend is physically abusive toward the children. Petitioner describes a recent incident where she pinched Uziel on his thigh, and another where she hit Vapsi with an open hand causing her mouth to bleed. Petitioner states if the children cry they are abused more. The father does nothing for their protection. The father agreed to their placement but Petitioner needs an order to keep him from changing his mind.		
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report	x		
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice	According to the UCCJEA, the children have been with Petitioner since 7-30-13.  <b>Court Investigator Jennifer Daniel filed a report on – NEED REPORT.</b>		

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 10/02/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 11 – Zamorano &amp; Orozco</b>

Atty Sanoian, Joanne, Law Offices of Joanne Sanoian (for Petitioner Jennifer Lewis, Executor)

## (1) First and Final Account and Report of Executor, (2) Petition for Its Settlement, and for (3) Final Distribution

<b>DOD: 1/11/1999</b>		<b>JENNIFER LEWIS</b> , niece and Executor appointed on 3/30/2004, is Petitioner. <i>Letters</i> issued on 4/2/2004.		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
				<b>Note:</b> <i>Petition</i> does not state the account period pursuant to Probate Code § 1061(a). However, based upon this atypical case characterized by lapse of time with few administrative actions taken and the simplified accounting presented, the account period may be presumed to be from the date of appointment and/or date <i>Letters</i> issued, to the date of the execution and verification of this accounting.	
<b>Cont. from</b>		<b>Account period: [3/30/2004 – 9/11/2013]</b>		1. <i>Petition</i> does not contain a statement pursuant to Probate Code §§ 216 and 9202(b) regarding notice to the Director of the CA Victim Compensation and Government Claims Board.  ~Please see additional page~	
	<b>Aff.Sub.Wit.</b>				
✓	<b>Verified</b>	By Atty			
✓	<b>Inventory</b>				
✓	<b>PTC</b>				
✓	<b>Not.Cred.</b>				
✓	<b>Notice of Hrg</b>				
✓	<b>Aff.Mail</b>	W/			
	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
	<b>Pers.Serv.</b>			<b>Petitioner states:</b> <ul style="list-style-type: none"> <li>The estate consists entirely of a <b>1/5 interest</b> in a parcel of real property in Fresno;</li> <li>Subsequent to the filing of the <i>Inventory and Appraisal</i> in this matter, a portion the real property was condemned by the Department of Transportation in an eminent domain action;</li> <li>The estate's parcel was assigned a new parcel description and APN (copy attached as Exhibit A.)</li> </ul> ~Please see additional page~	
	<b>Conf. Screen</b>				
	<b>Letters</b>	040204			
	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
	<b>CI Report</b>				
	<b>9202</b>	X			
	<b>Order</b>	X			
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>			<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 10/3/13 <b>Updates:</b> <b>Recommendation:</b> <b>File 12 - Atwater</b>	
	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>	N/A			

Distribution pursuant to Decedent's Will is to:

- **[ESTATE OF] MARY LEWIS** – 1/4<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **DANNY THOMAS** – 1/8<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **LOIS ATWATER** – 1/32<sup>ND</sup> interest [in Decedent's 1/5 interest in real property]
- **JANICE EPPERSON** – 1/32<sup>ND</sup> interest [in Decedent's 1/5 interest in real property]
- **[ESTATE OF] LARRY ATWATER** – 1/32<sup>ND</sup> interest [in Decedent's 1/5 interest in real property]
- **[ESTATE OF] ARLETA ATWATER** – 1/32<sup>ND</sup> interest [in Decedent's 1/5 interest in real property]
- **CURTIS GILMER** – 1/20<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **TONI MARSHALL** – 1/20<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **DENISE GILMER** – 1/20<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **CHERYL GILMER** – 1/20<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **BRIAN GILMER** – 1/20<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **GINGER FLEMING** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **CHERRY ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **HUBBY ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **DORIS JEAN ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **MARTHA ANN ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **NANCY ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]

NEEDS/PROBLEMS/COMMENTS, continued:

2. *First Amended Petition for Probate* filed 1/28/2004 lists **TOM GILMER**, grandnephew, in Attachment 9 containing the list of Decedent's heirs. It appears Tom Gilmer is not included in any of the pleadings related to the instant petition for final distribution; however, based upon the *First Amended Petition*, Tom Gilmer may be a grandchild of Decedent's predeceased sister, **GLADYS THOMAS**, whose children are devisees in Decedent's Will. Tom Gilmer may be a child of **CAROL GILMER** (daughter of Gladys) and Carol's children are devisees in the Will. Need clarification as to whether Tom Gilmer is intentionally or inadvertently omitted from the instant petition for final distribution. If inadvertently omitted, Tom Gilmer should be given notice of this proceeding and should be included in the distribution from this estate.
3. Paragraph 23 of the *Petition* states the following persons are deceased; based upon their having survived the Decedent, but being now deceased, their distributive interests in the real property should be distributed to the personal representatives of their estates (who may choose to distribute the real property via Probate Code § 13200, et seq. or some other mechanism):
  - Estate of Mary Lewis – 1/4 interest;
  - Estate of Larry Atwater – 1/32 interest;
  - Estate Arleta Atwater – 1/32 interest.
4. Need proposed order, including the distributions stated as being made to the personal representatives of the estates of those devisees who are deceased.

(1) First and Final Account and Report of Administrator and (2) Petition for Its Settlement and (3) for Final Distribution

<b>DOD: 5/21/1980</b>		<b>BRIAN GILMER</b> , administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition was verified by the attorney and not the fiduciary. Probate Code § 1023 states an attorney cannot verify for a fiduciary.  2. Need order.
		Account period: not stated.	
		Accounting - <b>\$5,000.00</b>	
		Beginning POH - <b>\$5,000.00</b>	
		Ending POH - <b>\$5,000.00</b>	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>	X	
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>	9/2/04	
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<input checked="" type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
<b>Distribution, pursuant to intestate succession, is to:</b>  Carol Gilmer (deceased) – 50% of the decedent's 1/5 interest in real property.  Danny Thomas - 50% of the decedent's 1/5 interest in real property.			
<b>Reviewed by: KT</b>			
<b>Reviewed on: 10/2/13</b>			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 13 - Thomas</b>			